

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

MILTON GONZALEZ

AMENDED CRIMINAL  
COMPLAINT

Case Number:


12-mj-306 Ser

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 7, 2012, in Goodhue County, in the State and District of Minnesota, defendant an alien who had previously been removed from the United States on or about October 6, 2005, subsequent to a conviction for an aggravated felony, namely, Possess With Intent - Amphetamine in the State of Wisconsin on or about September 14, 2001, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

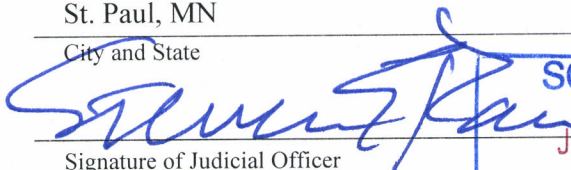
  
\_\_\_\_\_  
Signature of Complainant  
Angela Minner  
U.S. ICE

Sworn to before me, and subscribed in my presence,

4 June 2012 2:35 PM at  
\_\_\_\_\_  
Date

The Honorable Steven E. Rau  
UNITED STATES MAGISTRATE JUDGE  
\_\_\_\_\_  
Name & Title of Judicial Officer

St. Paul, MN  
\_\_\_\_\_  
City and State

  
\_\_\_\_\_  
Signature of Judicial Officer



STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

**AFFIDAVIT OF Angela Minner**

Angela Minner, being duly sworn, deposes and states as follows:

1. I have been employed as a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since October 2009. I have been continuously employed within the Department of Homeland Security, and the former Immigration and Naturalization Service (INS), for the past nine and one-half years. I served as an Immigration Inspector with the former INS from October 2002 until March 2003, when the position was converted to Customs and Border Protection Officer, which I held until October 2009 when I assumed my current role as a Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for making arrests of aliens, reviewing alien files (commonly known as "A-files") in connection with the detention and release of aliens in ICE custody, and making custody determinations.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about May 7, 2012, in Goodhue County, in the State and District of Minnesota, Milton GONZALEZ, a.k.a. Eduardo

TREVINO, a.k.a Milton GONZALEZ-Chavez, a.k.a. Carlos GONZALEZ, citizen and national of Mexico, unlawfully re-entered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that GONZALEZ's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On May 7, 2012, Defendant was encountered by the Prairie Island, MN Tribal Police Department, and was arrested for Speeding/ 78 MPR in a 55 MPR zone and Driving Without a Seatbelt at the time of the encounter, as well as two active criminal warrants from Ramsey and Dakota Counties for Possession or Sale of Stolen/ Counterfeit Checks. The ICE Chicago Deport Center received notification on May 8, 2012 of Defendant's arrest via a Secure Communities Program electronic fingerprint hit, due to Defendant's status as a previously deported alien. Upon conducting records checks, Immigration Enforcement Agent (IEA) Carly Schilling at the Chicago Deport Center determined that Defendant was an alien present in the United States without proper immigration documents which would allow Defendant to be in, pass through or remain in the United States legally, and an ICE detainer was placed on the Defendant at the Dakota County Jail in Hastings, MN.
6. On May 9, 2012, Defendant was released from the Dakota County Jail to ICE custody and was transported to the ICE office in Bloomington, MN for processing. The

Defendant was advised of his Miranda Rights by IEA Chad Powell. At the ICE facility, Defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked Defendant's fingerprints to alien registration number A076 295 073, Federal Bureau of Investigations number 279722HB4, and DHS Fingerprint Identification number (FIN) 1674775, revealing Defendant's previous immigration and criminal history. In a post-Miranda interview, Defendant admitted to illegally re-entering the United States without inspection by walking across the Arizona-Mexico border approximately three years prior.

7. On or about September 14, 2001, Defendant was convicted in the Douglas County District Court in Superior, Wisconsin of Possess With Intent-Amphetamine (>200-400g), in violation of Wisconsin Statutes 961.41(1m)(e)(5), and was sentenced to five years confinement.
8. Based on IAFIS and IDENT identification of Defendant's prior history, I reviewed Defendant's unique immigration alien file (hereinafter "A-file") A076 295 073. Defendant's A-file file contains photographs, fingerprints and immigration documents identifying Defendant as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico on five (5) occasions prior to being found in the District of Minnesota in 2012. On July 14, 1997, Defendant was ordered removed from the United States to Mexico by the


District Director of the Chicago, IL branch of the Immigration and Naturalization Service. On July 15, 1997, Defendant was removed from the United States to Mexico via Chicago, IL. Defendant re-entered the United States without inspection or authorization on four subsequent occasions, and was again removed from the U.S. to Mexico on the following dates: March 11, 1998 via Laredo, TX; January 25, 1999 via Laredo, TX; March 10, 1999 via El Paso, TX; and October 6, 2005 via Paso Del Norte, TX. This last removal, on October 6, 2005, occurred subsequent to Defendant's conviction for an Aggravated Felony.

9. Law enforcement has confirmed through fingerprints contained in Defendant's criminal history and immigration file that the individual named Milton GONZALEZ referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on May 8, 2012 by Immigration and Customs Enforcement.
10. Defendant is subject to removal as an alien who re-entered the U.S. without permission by the Attorney General or Secretary of Homeland Security as defined in INA Section 241(a)(5) codified under 8 USC 1231(a)(5). Defendant is currently detained in ICE custody as mandatory detention per INA Section 241(a)(2) codified under 8 USC 1231(a)(2) due to his illegal re-entry to the United States.
11. My investigation has revealed that Defendant is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States, nor does he have documents to enter, pass through, or remain in the United States.

12. My investigation has revealed that since his last removal from the United States on October 6, 2005, Defendant has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.

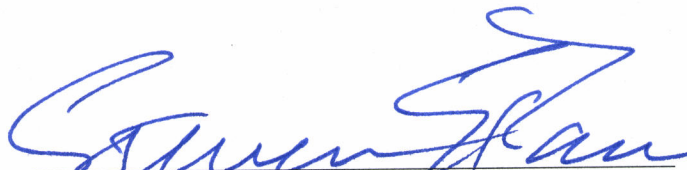
13. Based on these facts, I have reason to believe that Milton GONZALEZ is in violation of 8 U.S.C. Section 1326(a) & (b)(2) and Title 6, United States Code, Sections 202 and 557, Re-entry after removal, in that Defendant was ordered removed, subsequently removed, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security, following the conviction of an aggravated felony.

14. Further Your Affiant Sayeth Not.

  
\_\_\_\_\_  
Angela Minner, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 4 day of June, 2012.

  
\_\_\_\_\_  
STEVEN E. RAU  
United States Magistrate Judge